

August 17, 1983

The Honorable Bob Packwood
Chairman, Committtee on Commerce, Science
and Transportation
130 Russell Senate Office Building
Washington, D.C. 20510

Re: FCC Authorization Bills; S. 607 and H.R. 2755

Dear Chairman Packwood:

The undersigned organizations, representing thousands of Private Land Mobile and Microwave Radio Services users,^{1/} are concerned with the possible adverse ramifications of amendments to H.R. 2755, the authorization bill for the Federal Communications Commission (FCC). The purpose of this letter is to call this concern to your attention so that it can be considered in the conference on the two authorization bills.

During mark-up, the House Energy and Commerce Committee amended H.R. 2755 to include language that would, in essence, require the FCC to establish a "plan" which "adequately ensures that the needs of the state and local public safety authorities would be taken into account in making allocations of the electromagnetic spectrum." The amendment went on to provide that pending adoption of such a "plan," the FCC, "while making assignments and allocations, shall duly recognize the needs of state and local public safety authorities."

While the undersigned organizations believe it is commendable that the House Committee has recognized the spectrum needs of one segment of the Private Land Mobile and Microwave Community, we urge you to recognize that actual spectrum needs go well beyond those of state and local public safety users. As demonstrated by the FCC's own studies, the requirements of all other Private Radio Service users for radio frequency spectrum will far exceed those of

^{1/} The Private Land Mobile and Microwave Radio Services include Public Safety, Special Emergency, Industrial and Land Transportation.

public safety users over the next twenty years.^{2/} In light of the substantially greater need of all other Private Radio Service users, as compared with public safety, the undersigned organizations are concerned that any legislation which would appear to limit the scope of Congressional interest in the Private Radio Services frequency needs to one segment may not be in the public interest. The most desirable solution would be to treat all the Private Radio Services, including the Public Safety Service, equally, if there is to be any legislation on the point.

Private radio communications contribute much to the efficient and safe operations of the nation's industrial, commercial, and transportation interests. The use of mobile radio and private operational-fixed microwave systems has become very much a part of the operational fabric of those interests, and each depends upon radio to accomplish the things our society and economy have come to expect from the private sector. Many of these private users also use their radio and microwave systems for critical communications affecting the safety of life and property of large segments of the public.

The undersigned feel strongly that if additional language is to be included in the Communications Act concerning Private Radio Service spectrum requirements, recognition should be made of the legitimate needs of all Private Radio Service users, as was done in the Communications Technical Amendments Act of 1982 (Public Law No. 97-259). Public Law No. 97-259 codified into Section 331 of the Communications Act already tried and tested criteria for Private Radio Service spectrum management and recognized the spectrum needs of all Private Radio Service users. The concern among the undersigned is that the language added in the mark-up on H.R. 2755 would cloud the clear Congressional intent now reflected in Section 331.

^{2/} See FCC Interim Report Future Private Land Mobile Telecommunications Requirements released in August 1982 as part of the Commission's PR Docket 82-10 proceeding, pages 13-15.

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Also, the language of the amendments to H.R. 2755, which speaks of action to be taken by the FCC as to "assignments" pending development of the public safety "plan," could result in delays in the processing of applications for practically all other radio services under the Commission's purview.

By including references in legislation to a public safety "plan," Congress might unintentionally tie itself and the FCC to a single frequency allocation proposal. For example, the Los Angeles Sheriff's Department has recently filed a rulemaking petition with the FCC which, in essence, asks that the FCC establish a public safety "plan" by reallocating, on a nationwide basis, all of the spectrum now used by UHF-TV channels 14 through 20 for public safety land mobile use. The Sheriff Department's public safety "plan" would have a tremendously adverse impact on a large number of existing UHF-TV stations, since under the proposal as filed, all existing on-the-air UHF-TV stations would be required to vacate their TV channels within five years of the reallocation rulemaking sought in the Sheriff's petition. If assignments of existing UHF-TV stations were protected, there would be very few channels made available for land mobile use in the channel 14 through 20 spectrum and there would still be a severe impact on low-power TV. Apart from a few public safety organizations, the Sheriff Department's petition has virtually no support among the Land Mobile Community--private or common carrier--because it is a completely unrealistic and impractical approach to meet land mobile needs at this time.

The undersigned organizations, through the efforts of the Land Mobile Communications Council (LMCC), are seeking a more responsible approach to meet the spectrum needs of all Land Mobile Services--both private and common carrier--by the early use of existing 800 MHz land mobile "reserve" spectrum (assuming that the FCC does not reallocate those reserve channels to other uses) and through more extensive geographic sharing, between land mobile and broadcast users, of channels in the sparsely occupied spectrum just below 806 MHz. This sharing could be accomplished in such a manner that the legitimate needs of full-power and low-power UHF-TV broadcasters and all of the Land Mobile

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users can be met in those geographic areas where each has the greatest need. This LMCC effort will be based upon allocations criteria found in Section 331 of the Act. It would not be in the public interest for the Congress to enact further legislation which would detract from the purposes and intent of Section 331.

If there is to be any language reiterating the need for FCC attention to Private Radio Service spectrum requirements (and that might help deter reallocation of the 800 MHz "reserve" to other uses), such language should apply to all of the Private Radio Services, not just a single segment. Any new legislation also should be supportive of Section 331. Attached is language which would accomplish this purpose. We urge that you give consideration to this language in seeking to resolve this matter in Conference with the House. We are convinced that the language we suggest, which would apply to all of the Private Radio Services, would clearly meet public safety needs as well as the needs of the other Private Radio Services.

Respectfully submitted,

American Petroleum Institute

By: 

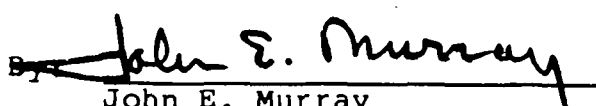
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By: _____

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By: Mark E. Crosby
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Utilities Telecommunications
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By: Robert V. Southworth
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President

cc: Members of Commerce, Science and
Transportation Committee

SUGGESTED REVISIONS TO FCC AUTHORIZATION BILLS

The Federal Communications Commission, in using funds for spectrum management shall, following the allocations criteria found in Section 331 of the Act, ensure that the legitimate needs of all of the Private Radio Services be taken into account.